UNITED NATIONS

ECONOMIC AND SOCIAL COUNCIL

Distr.
GENERAL

E/CN.4/1985/1/Add.1
17 December 1984

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Forty-first session
4 February - 15 March 1984

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

1. Election of officers

Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session, the commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

2. Adoption of the agenda

Rule 7 of the rules of procedure provides that "the commission shall at the beginning of each session, after the election of its officers, ... adopt the agenda for that session on the basis of the provisional agenda".

The Commission will have before it the provisional agenda (E/CN.4/1985/1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure. The Commission will also have before it the present annotations relating to the items included in the provisional agenda. An addendum to these annotations will reflect any decisions or resolutions affecting the provisional agenda which may be taken by the General Assembly at its thirty-ninth session or by the Economic and Social Council at its organizational session in 1985.

3. Organization of the work of the session

The forty-first session will be preceded by meetings of an informal open-ended working group authorized by Council resolution 1984/25 concerning the draft convention on the rights of the child (see annotations to item 13); and, in connection with item 12 (b), and in accordance with Economic and Social Council decision 1984/145, by meetings of a working group composed of five members of the Commission to examine such particular situations as might be referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503 (XLVIII) of 27 May 1970 and those situations of which the Commission

is seized. In connection with item 16, and in accordance with Commission resolution 1984/7, the Group of three members of the Commission appointed under article IX of the International Convention on the Suppression and Punishment of the Crime of Apartheid will convene to consider reports submitted by States parties in accordance with article VII of that Convention. In addition, at its fortieth session, the Commission, by resolution 1984/59, decided to consider at its forty-first session, in the light of discussions at the thirty-ninth session of the General Assembly, the establishment of an open-ended working group to continue the over-all analysis with a view to further promotion and encouragement of human rights and fundamental freedoms, including the question of programmes and methods of work of the Commission and alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms (item 11). The Commission also decided by decision 1984/116 to establish, at its forty-first session, an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms (item 12). Furthermore, the Commission decided, by resolution 1984/60 and in accordance with Economic and Social Council decision 1984/139, that an exchange of views was to take place during the forty-first session of the Commission between a spokesman of the working group established by the Sub-Commission at its thirty-seventh session (to study in depth the working methods and the programme of work of the Sub-Commission, including its relationship with the Commission and the Secretariat) on the one hand, and the Commission or a working group of the Commission on the other (item 19). The Commission also decided in resolution 1984/62 to establish at its forty-first session an open-ended working group to continue consideration of the revised draft declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (item 20).

The attention of the Commission is drawn to the decisions on time-limits for statements taken at its thirty-ninth and fortieth sessions. The Commission agreed to the following guidelines:

That members should be asked to exercise self-restraint regarding the duration of their statements: the first statement on an item should not exceed 20 minutes and subsequent statements should not exceed 10 minutes;

That observers should be limited to two statements on an item, the first not exceeding 15 minutes and the second not exceeding 10 minutes;

That, for Member States which are directly mentioned in a report, the second statement may last up to 15 minutes;

That non-governmental organizations should be limited to one 10-minute statement on an item.

The attention of the Commission in drawn to Economic and Social Council resolution 1982/50 of 28 July 1982, and the annex thereto, on the revitalization of the Economic and Social Council, in particular, to paragraph 1 (j) which reads as follows:

"All the subsidiary bodies of the Council are urged to exercise the utmost restraint in making requests of the Secretary-General for new reports and studies and to implement fully the provisions of the decisions of the Council and of the General Assembly with respect to the control and limitation of documentation".

Further, in paragraph 6 of resolution 1981/83 of 24 July 1981, the Council requested the Secretary-General to bring to the attention of the intergovernmental and expert bodies, before decisions were adopted, any request for documentation that exceeded the ability of the Secretariat to prepare and process on time and within its approved resources.

The composition of the Commission at its forty-first session will be as follows (the year given in brackets against the name of each State indicates the expiry of the term of membership on 31 December of that year):

Argentina (1987); Australia (1987); Austria (1987); Bangladesh (1985); Brazil (1986); Bulgaria (1987); Cameroon (1986); China (1987); Colombia (1985); Congo (1987); Costa Rica (1985); Cyprus (1985); Finland (1985); France (1986); Gambia (1987); German Democratic Republic (1986); Germany, Federal Republic of (1987); India (1985); Ireland (1985); Japan (1987); Jordan (1986); Kenya (1986); Lesotho (1987); Liberia (1987); Libyan Arab Jamahiriya (1985); Mauritania (1986); Mexico (1986); Mozambique (1985); Netherlands (1985); Nicaragua (1985); Peru (1987); Philippines (1986); Senegal (1986); Spain (1986); Sri Lanka (1987); Syrian Arab Republic (1986); Ukrainian Soviet Socialist Republic (1985); Union of Soviet Socialist Republics (1985); United Kingdom of Great Britain and Northern Ireland (1987); United Republic of Tanzania (1985); United States of America (1986); Venezuela (1987); Yugoslavia (1986).

4. Question of the violation of human rights in the occupied Arab territories, including Palestine

The Commission has been seized of the human rights situation in the territories occupied by Israel as a result of the hostilities of June 1967 every year since its twenty-fourth session. At its fortieth session, the Commission adopted resolution 1984/1 A, on 20 February 1984, in which it decided to place this item on the provisional agenda of its forty-first session as a matter of high priority. The Commission also adopted resolution 1984/1 B, 1984/2 and 1984/3 which are relevant to this item.

In accordance with paragraphs 15 and 16 of resolution 1984/1 A, the Commission will have before it:

(a) A report of the Secretary-General on the measures taken to bring the resolution to the attention of all Governments, the competent United Nations organs, the specialized agencies, the regional intergovernmental organizations and the humanitarian organizations and to give it the widest possible publicity (E/CN.4/1985/5);

(b) A note by the Secretary-General listing all United Nations reports appearing between sessions of the Commission that deal with the situation of the population of the occupied territories, including Palestine (E/CN.4/1985/6).

In addition, the Commission will have before it any documentation which may have been received by the Secretary-General from the Government of Israel in accordance with paragraph 13 of resolution 1984/1 A on the implementation of paragraphs 8, 9 and 10 of that resolution.

5. Question of human rights in Chile

This item has been considered by the Commission as a matter of high priority since its thirty-first session.

On 1 June 1983 the Chairman of the Commission appointed Mr. Rajsoomer Lallah (Mauritius) as the Commission's Special Rapporteur on the situation of human rights in Chile, on the basis of Commission on Human Rights resolution 11 (XXXV) of 6 March 1979.

At its fortieth session, the Commission adopted resolution 1984/63 of 15 March 1984, in which it extended the mandate of the Special Rapporteur for another year and requested him to report on the situation of human rights in Chile to the General Assembly at its thirty-ninth session and to the Commission on Human Rights at its forty-first session. On 24 May 1984, the Economic and Social Council endorsed the Commission's resolution by its decision 1984/140. In this connection, reference may also be made to resolution 1984/29 adopted by the Sub-Commission on 30 August 1984.

At its forty-first session, the Commission will have before it the report of the Special Rapporteur to the General Assembly (A/39/675) brought up to date by the Special Rapporteur in an additional report (E/CN.4/1985/7).

6. Violations of human rights in southern Africa: report of the Ad Hoc Working Group of Experts

The Ad Hoc Working Group of Experts was established by the Commission in accordance with resolution 2 (XXIII) of 6 March 1967. The mandate of the Working Group has been renewed regularly since then; it was last renewed by the Commission at its thirty-ninth session, by resolution 1983/9 adopted on 18 February 1983. The Economic and Social Council endorsed that resolution by decision 1983/135 of 27 May 1983. In resolution 1983/9 the Commission requested the Working Group of Experts to continue to study the policies and practices which violated human rights in South Africa and Namibia and to submit a report on its findings to the Commission at its forty-first session at the latest and to submit a progress report at the fortieth session.

At its fortieth session the Commission adopted resolutions 1984/4 and 1984/5 concerning the mandate of the Working Group.

At its forty-first session the Commission will have before it the report of the Ad Hoc Working Group of Experts prepared in accordance with resolutions 1983/9, 1983/10, 1984/4 and 1984/5 (E/CN.4/1985/8). The Commission will also have before it a study on the Group's conclusion that the "criminal effects of apartheid amount to a policy bordering on genocide" prepared in accordance with paragraph 14 of resolution 1983/9. The Commission's attention may be drawn to Economic and Social Council resolution 1984/42 and decision 1984/129.

7. The adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to colonial and racist regimes in southern Africa

This item has been considered by the Commission since its thirtieth session, when it was inscribed on the agenda of the Commission at the request of the Sub-Commission. The item has also been regularly considered by the Sub-Commission and by the General Assembly.

At its fortieth session, the Commission, in resolution 1984/6 of 28 February 1984, expressed its appreciation to the Special Rapporteur for the preparation of the list. The Commission welcomed the decision of the Sub-Commission to mandate the Special Rapporteur to continue to update the list, subject to annual review, and to submit the revised report to the Commission, through the Sub-Commission.

At its thirty-seventh session, the Sub-Commission, in resolution 1984/4 of 28 August 1984, noted with satisfaction the updated report of the Special Rapporteur (E/CN.4/Sub.2/1984/8 and Add.1 and 2) and invited the Special Rapporteur, in accordance with Commission resolution 1984/6 and Economic and Social Council decision 1984/130, to continue to update, subject to annual review, the list of banks, transnational corporations and other organizations and to submit the updated report through the Sub-Commission to the Commission.

At its forty-first session, the Commission will have before it the updated report of the Special Rapporteur (E/CN.4/Sub.2/1984/8 and Add.1 and 2).

The Commission also has before it under this item, a draft resolution recommended by the Sub-Commission for adoption by the Commission, the text of which may be found in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1985/3, chap. I, sect. A, draft resolution I).

8. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

   (a) Problems related to the right to enjoy an adequate standard of living; the right to development;

   (b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms;

   (c) Popular participation in its various forms as an important factor in development and in the full realization of all human rights

In resolution 2 (XXXI) of 10 February 1975, the Commission decided to keep this item on its agenda as a standing item with high priority. In resolution 6 (XXXVI) of 21 February 1980 the Commission expanded the title of the item to include subitems (a) and (b). At its thirty-ninth session the Commission decided, in response to General Assembly resolution 37/55, to include subitem (c).

By its decision 1981/149 of 8 May 1981, the Economic and Social Council approved the decision of the Commission in resolution 36 (XXXVII) of 11 March 1981 to establish a Working Group of 15 governmental experts appointed by the Chairman of the Commission, taking into account the need for equitable geographical distribution, to study the scope and contents of the right to development and the most effective means to ensure the realization, in all countries, of the economic, social and cultural rights enshrined in various international instruments, paying particular attention to the obstacles encountered by developing countries in their efforts to secure the enjoyment of human rights.

At its fortieth session, the Commission had before it the report of the Working Group on its sixth and seventh sessions (E/CN.4/1984/13 and Corr.1 and 2). In resolution 1984/16 of 6 March 1984, the Commission took note with satisfaction of the progress made so far by the Working Group and decided to reconvene the same Working Group with the same mandate in order to allow it to elaborate, on the basis of its report and all the documents already submitted or to be submitted, a draft declaration on the right to development. It requested the Working Group to submit to the Commission at its forty-first session a report and concrete proposals for a draft declaration on the right to development. The Commission decided to consider this question as a matter of high priority at its forty-first session, with a view to taking a decision on the work undertaken on the draft declaration submitted by the Working Group and to review the need for the Working Group to continue its activities. The Working Group met from 24 September to 5 October and from 3 to 14 December 1984. The report of the Working Group (E/CN.4/1985/11) will be before the Commission at its forty-first session.

The Commission, in resolution 1983/14 of 22 February 1983, considered that the full exercise of the right to popular participation was an important factor not only in the development process but also in the realization of the full range of human rights, civil and political as well as economic, social and cultural, and recommended a draft resolution for adoption by the Economic and Social Council which was adopted by the Council as resolution 1983/31 of 27 May 1983.

In that resolution the Council requested the Secretary-General to undertake a comprehensive analytical study on the right to popular participation in its various forms as an important factor in the full realization of all human rights, and to submit a preliminary study to the Commission on Human Rights at its fortieth session and the final study at its forty-first session.

At its thirty-eighth session the General Assembly, in resolution 38/24 of 22 November 1983, requested the Commission to continue to consider at its fortieth session the question of popular participation in its various forms as an important factor in the realization of all human rights. The General Assembly further requested the Secretary-General to submit a report to it at its fortieth session in order to review the progress made in that field, taking into account, inter alia, consideration of that question by the Commission on Human Rights at its fortieth and forty-first sessions.

In resolution 1984/15 of 6 March 1984, the Commission took note with appreciation of the preliminary report by the Secretary-General and requested him, in preparing the final study, to take into account the views expressed in the debate on that item at the fortieth session of the Commission on Human Rights. It invited those Governments, United Nations organs and specialized agencies that had not yet done so

to transmit their comments and views to the Secretary-General, as called for in Economic and Social Council resolution 1983/31. Further, the Commission decided to continue the consideration of the question at its forty-first session. By its decision 1984/131 of 24 May 1984 the Economic and Social Council, noting Commission resolution 1984/15, endorsed the Commission's request to the Secretary-General and the Commission's invitation to those Governments, United Nations organs and specialized agencies that have not yet done so to transmit their comments and views to the Secretary-General, as called for in Council resolution 1983/31.

Attention may also be drawn in this context to Economic and Social Council decision 1983/140, of 27 May 1983, by which the Council, noting Commission on Human Rights resolution 1983/16 of 22 February 1983, authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. A. Eide, Special Rapporteur, with the preparation of a study on the right to adequate food as a human right. At its thirty-seventh session, the Sub-Commission, by resolution 1984/15 of 29 August 1984, having examined the progress report submitted by the Special Rapporteur, Mr. Eide, requested the Special Rapporteur to continue his work on the above-mentioned study with a view to submitting a final report to the Sub-Commission at its thirty-eighth session.

At its forty-first session the Commission will have before it:

(a) Final study by the Secretary-General on the right to popular participation in its various forms as an important factor in the full realization of all human rights (E/CN.4/1985/10);

(b) Report of the Working Group of Governmental Experts on the Right to Development (E/CN.4/1985/11).

9. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

By its resolution 3 (XXXI) of 11 February 1975, the Commission on Human Rights decided to place the question of "The right of peoples to self-determination and its application to peoples under colonial and alien domination" on its agenda every year with priority. By Commission resolution 3 (XXXIV) of 14 February 1978 the title of the item was amended by the addition of the words "or foreign occupation".

From its thirty-second to its thirty-ninth sessions the Commision continued its consideration of the item.

At its fortieth session, the Commission adopted the following resolutions under this item:

Resolution 1984/10 entitled "Situation in Afghanistan";

Resolution 1984/11 entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" concerning the right to self-determination of the Palestinian people;

Resolution 1984/12 entitled "Situation in Kampuchea";

Resolution 1984/13 entitled "Question of Western Sahara";

Resolution 1984/14 entitled "The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation" concerning the situation in southern Africa;

Resolution 1984/25 entitled "Question of Grenada".

At its first regular session of 1984, the Economic and Social Council, by decision 1984/148 of 24 May, endorsed Commission resolution 1984/12 of 29 February 1984, on the situation in Kampuchea.

At its forty-first session, the Commission will have before it:

(a) A list of reports, studies and publications prepared by the Division for Palestinian Rights, as requested in paragraph 13 of Commission resolution 1984/11 (E/CN.4/1985/12);

(b) A report of the Secretary-General prepared in accordance with paragraph 16 of Commission resolution 1984/14 (E/CN.4/1985/13).

10. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Question of enforced or involuntary disappearances

This item has been considered annually by the Commission and various specific topics have also been examined under it by the Commission and, at its request, by the Sub-Commission.

(a) Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly, in resolution 32/62, requested the Commission on Human Rights to draw up a draft convention against torture and other cruel, inhuman or degrading treatment or punishment.

During the fortieth session of the Commission on Human Rights, in 1984, an open-ended working group adopted by consensus all but two of the articles of the draft convention on torture.

By its resolution 1984/21 of 6 March 1984, the Commission on Human Rights decided to transmit to the General Assembly, through the Economic and Social Council, the report of the Working Group, including the articles of the draft convention. It requested the Secretary-General to bring those documents to the attention of the Governments of all States and to invite them to communicate to him their comments for submission to the General Assembly at its thirty-ninth session. In the same resolution, the Commission also recommended that the General Assembly consider the draft convention as a matter of priority, with a view to the early adoption of a convention against torture and other cruel, inhuman or degrading treatment or punishment.

The Economic and Social Council through its decision 1984/134 of 24 May 1984 decided to transmit the above-mentioned documents to the General Assembly.

In resolution 36/151 of 16 December 1981, the General Assembly established the United Nations Voluntary Fund for Victims of Torture for the purpose of receiving voluntary contributions for distribution, through established channels of assistance, as humanitarian, legal and financial aid to individuals who had been tortured and to their relatives.

In resolution 1984/22 of 6 March 1984, the Commission on Human Rights expressed its gratitude and appreciation to those Governments, organizations and individuals that had already contributed to the Fund and called upon those in a position to do so to respond favourably to requests for contributions. The Commission furthermore requested the Secretary-General to keep it informed every year of the operations of the Fund. The Commission will have before it at its current session the report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture presented to the General Assembly at its thirty-ninth session (A/39/662). The Commission will be informed by the Secretary-General of any developments occurring subsequent to that report.

(b) Question of enforced or involuntary disappearances

In resolution 33/173 of 20 December 1978, the General Assembly expressed its deep concern about reports from various parts of the world relating to enforced or involuntary disappearances of persons and requested the Commission on Human Rights to consider the question with a view to make appropriate recommendations. At subsequent sessions, the Assembly adopted resolutions 35/193, 36/163, 37/180 and 38/94 on the matter.

At its thirty-sixth session, the Commission, in resolution 20 (XXXVI) of 29 February 1980 which was subsequently endorsed by the Economic and Social Council decided, inter alia, to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities to examine questions relevant to enforced or involuntary disappearances of persons. At its thirty-seventh to fortieth sessions, the Commission decided to extend the term of the Working Group's mandate by one year in resolutions 10 (XXXVII), 1982/24, 1983/20 and 1984/23, which were subsequently endorsed by Economic and Social Council decisions 1981/139, 1982/131, 1983/141 and 1984/135.

By resolution 1984/23 the Commission, inter alia, requested the Working Group to present to the Commission all appropriate information it deemed necessary and all concrete suggestions and recommendations regarding the fulfilment of its task. The Commission further renewed its request to the Secretary-General to appeal to all Governments concerned to co-operate with the Working Group, in view of its strictly humanitarian concerns and encouraged the Governments concerned to consider with special attention the wish of the Working Group to visit their countries, when such wish was expressed, thus enabling the Group to fulfil its mandate more effectively.

The Commission will have before it the Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1985/15).

Other questions

Human rights during states of siege or emergency

In resolution 1983/18 of 22 February 1983, the Commission requested the Sub-Commission to propose for the Commission's consideration at its fortieth session measures designed to ensure the respect, throughout the world, of human rights and fundamental freedoms in situations where states of siege or emergency existed, especially of those rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, in resolution 1983/30, decided to include in its agenda an item entitled "Implementation of the right of derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violation of human rights" for the purpose of: (a) requesting its Working Group on Detention to draw up and update a list of countries which proclaimed or terminated a state of emergency each year; and (b) submitting an annual special report to the Commission on Human Rights containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency. By the same resolution, the Sub-Commission requested the Commission to consider its special report at each of its sessions. The Sub-Commission also referred to its Working Group on Detention a number of proposals concerning the period of imprisonment, the right to a fair trial, capital punishment and penal procedures. In decision 1984/104 of 6 March 1984, the Commission decided to examine the above-mentioned report as a matter of high priority with a view to deciding what further action should be taken on the question of states of siege or emergency.

In resolution 1984/27 the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested Mr. Leandro Despouy to prepare an explanatory paper on the ways and means in which preparation of an annual report could best be achieved in the future and to submit it to the Sub-Commission and its Working Group on Detention at its thirty-eighth session.

Question of amnesty laws

In resolution 1983/34, the Sub-Commission requested Mr. L. Joinet to prepare a general study of a technical nature on amnesty laws and their role in the safeguard and promotion of human rights, including the minimum criteria generally accepted in the various legal systems. Mr. Joinet submitted a preliminary report (E/CN.4/Sub.2/1984/15) to the Sub-Commission at its thirty-seventh session. In resolution 1984/8, the Sub-Commission requested the Special Rapporteur to continue to work on the study with a view to submitting his final report to the Sub-Commission at its thirty-eighth session.

Use of force by law enforcement personnel

In resolution 1984/10, the Sub-Commission, recalling its resolution 1983/24 by which it asked the Secretary-General to prepare an analysis of state policies and practices regarding restraints on the use of force by law enforcement officials and military personnel (E/CN.4/Sub.2/1984/14), requested the Secretary-General to prepare a further analysis on the matter to be presented to the Sub-Commission during its thirty-eighth session.

Unacknowldeged detention of persons

By resolution 1984/13 the Sub-Commission, recalling resolution 1983/23, in which it requested the Working Group on Detention to prepare a first draft of a declaration against unacknowledged detention of persons, requested the Working Group to prepare a revised version of the declaration and to submit the draft to the Sub-Commission at its thirty-eighth session, for submission to the Commission on Human Rights at its forty-second session.

11. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission; alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms; national institutions for the promotion and protection of human rights

The item on the further promotion and encouragement of human rights and fundamental freedoms has been on the agenda of the Commission since its nineteenth session in 1963 (Commission resolution 8 (XIX)); The second part of the title was added in pursuance of General Assembly resolution 32/130 of 16 December 1977, in which the General Assembly formulated several concepts to be taken into account in the future work within the United Nations system with respect to human rights questions.

At the fortieth session of the Commission, an informal open-ended sessional working group was established to continue its ongoing work on the over-all analysis. In this connection, the Commission adopted resolution 1984/59 of 15 March 1984, in which it noted with appreciation the review undertaken by the open-ended working group and decided to consider at its forty-first session, in light of discussions at the thirty-ninth session of the General Assembly, the establishment of an open-ended working group to continue the over-all analysis.

Further, in resolution 1984/58 of 15 March 1984, on development of public information activities in the field of human rights, the Commission requested the Secretary-General to submit to it, at its forty-first session, a comprehensive report.

With respect to the question of a proposed High Commissioner for Human Rights, it may be recalled that at its fortieth session, the Commission had before it proposals submitted by the Sub-Commission, as requested by Commission resolution 1983/49 of 10 March 1983 (see also Sub-Commission resolution 1983/36). Furthermore, at its fortieth session, the Commission decided to adjourn the debate on draft resolution E/CN.4/1984/L.23 and the amendments thereto (E/CN.4/1984/L.90 and E/CN.4/1984/L.102) and on draft resolution E/CN.4/1984/L.89, concerning that question, until the forty-first session of the Commission (Commission decision 1984/112).

Furthermore, as requested by the Commission in paragraph 6 of resolution 1984/58, the Commission will have before it a comprehensive report on public information activities (E/CN.4/1985/16).

National institutions for the promotion and protection of human rights

In accordance with General Assembly resolution 32/123 and Commission resolution 23 (XXXIV), a seminar on national and local institutions for the promotion and protection of human rights was held in Geneva from 18-29 September 1979 (ST/HR/SER.A/2).

Following the seminar, a number of resolutions were adopted by the General Assembly (33/46 and 34/49). The Commission adopted resolution 24 (XXXV) in which it decided to consider the question of national institutions for the promotion and protection of human rights every three years, as a sub-item on its agenda.

By resolution 38/123 of 16 December 1983, the General Assembly took note with appreciation of the report of the Secretary-General; invited all member States to take appropriate steps for the establishment or, where they already existed, the strengthening of national institutions for the protection and promotion of human rights; emphasized the importance of the integrity and independence of such national institutions, in accordance with national legislation; drew attention to the constructive role that national non-governmental organizations could play in the work of national institutions; and recommended that all member States should take appropriate steps to encourage the exchange of experience in the establishment of national institutions. The Assembly also requested the Secretary-General to transmit his report to Governments and to invite them to submit additional information, comments and observations, with a view to developing further the various types of national institutions for the protection and promotion of human rights; and in the light of his previous reports (A/36/440 and A/38/416) and of further information received, to submit to the General Assembly at its thirty-ninth session an updated report providing detailed information on the various types of national and local institutions for the protection and promotion of human rights, taking into account differing social and legal systems and the contributions that national and local institutions could make towards the implementation of international human rights instruments. In the same resolution the General Assembly decided to include in the provisional agenda of its thirty-ninth session a sub-item entitled "National institutions for the protection and promotion of human rights".

At its thirty-ninth session, the General Assembly had before it the report prepared by the Secretary-General (A/39/556 and Add.1), in accordance with General Assembly resolution 38/123.

12. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII); report of the Working Group established by the Commission at its fortieth session

By its resolution 1164 (XLI) of 5 August 1966, the Economic and Social Council welcomed the decision of the Commission in its resolution 2 B (XXII) of 25 March 1966 to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to violations of human rights. In its resolution 2144 A (XXI) of 26 October 1966, the General Assembly invited the Council and the Commission to give urgent consideration to ways and means of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. Pursuant to these resolutions of the Assembly

and the Council, the Commission, at its twenty-third session, adopted resolution 8 (XXIII) of 16 March 1967, in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Subsequently, the Economic and Social Council adopted resolutions 1235 (XLII) and 1503 (XLVIII) on the question of violations of human rights and fundamental freedoms.

In resolution 32/130 the General Assembly decided that in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord priority to the search for solutions to mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions, including resolution 37/199. In resolution 34/175 entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission on Human Rights, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. By resolution 37/200, the General Assembly urged all States to co-operate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission, at its thirty-ninth session, to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

Pursuant to its own resolutions, as well as, in some instances, to resolutions of the General Assembly and the Economic and Social Council, the Commission will have before it under the present item, the following reports:

(a) Report of the Commission's Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1985/21) (Commission resolution 1984/55 and Council resolution 1984/37)

(b) Report of the Commission's Special Representative on the situation of human rights in El Salvador (E/CN.4/1985/18) (Commission resolution 1984/52)

(c) Report of the Commission's Special Rapporteur on the situation of human rights in Guatemala (E/CN.4/1985/19) (Commission resolution 1984/53)

(d) Report of the Commission's Special Representative on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1985/20) (Commission resolution 1984/54)

(e) Report of the Commission's Special Rapporteur on summary or arbitrary executions (E/CN.4/1985/17) (Commission resolution 1984/50 and Council resolution 1984/35).

The attention of the Commission is drawn to the following resolutions adopted by the Sub-Commission which are pertinent to its consideration of the present item: resolution 1984/23 concerning Guatemala; resolution 1984/26 concerning El Salvador; resolution 1984/14 concerning the Islamic Republic of Iran and resolution 1984/6 concerning Afghanistan.

The Commission will recall that it has considered the question of human rights and mass exoduses since its thirty-seventh session. The relevant resolutions on this question are: resolution 29 (XXXVII) (by which a Special Rapporteur was appointed), 1982/32, 1983/35 and 1984/49. In the last resolution, the Commission also decided to keep the problem of human rights and mass exoduses under review at its forty-first session.

Furthermore, at its fortieth session, the Commission decided to take no decision on draft resolution E/CN.4/L.66/Rev.1, on the situation of human rights in Poland, until its forty-first session (Commission decision 1984/110).

(a) Question of human rights in Cyprus

With regard to the question of human rights in Cyprus it may be recalled that this question was first considered by the Commission at its thirty-second session, in 1976 when it adopted resolution 4 (XXXII) of 27 February 1976. Since then, the Commission has had this question on its agenda, and has requested the Secretary-General to provide it with an annual report on the implementation of previous resolutions. At its fortieth session, the Commission, by decision 1984/117 of 14 March 1984 again decided to postpone debate. At its forty-first session, the Commission will have before it the report of the Secretary-General (E/CN.4/1985/22).

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolution 1235 (XLII) and 1503 (XLVIII); report of the Working Group established by the Commission at its fortieth session

The sub-item has its origin in Commission resolution 8 (XXIII) of 16 March 1967 and Economic and Social Council resolution 1235 (XLII) of 6 June 1967. By its resolution 8 (XXIII), the Commission requested authority from the Council: (a) to examine, with the assistance of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, information relevant to gross violations of human rights and fundamental freedoms contained in communications received by the United Nations and listed by the Secretary-General in confidential lists of communications pursuant to Council resolution 728 F (XXVIII); and, (b) to make a thorough study, on the basis of the information made available to it, of situations which revealed a consistent pattern of violations of human rights. By its resolution 1235 (XLII) the Economic and Social Council granted the authority sought by the Commission.

By its resolution 1503 (XLVIII) of 27 May 1970, entitled "Procedure for dealing with communications relating to violations of human rights and fundamental freedoms", the Council further regulated the procedure for dealing with communications. The resolution lays down a two-stage screening process of the relevant material (undertaken by the Sub-Commission's Working Group on Communications and the Sub-Commission itself) before a particular situation is referred to the Commission for consideration. Provisional criteria for determining the admissibility of communications are set out in Sub-Commission resolution 1 (XXIV) of 13 August 1971. The Commission on Human Rights is then called on to determine whether a particular situation thus referred to it by the Sub-Commission requires a thorough study or, with the consent of the Government concerned, an investigation by an ad hoc committee. The Sub-Commission's Working Group on Communications met for the first time in 1972. Particular situations

referred to the Commission by the Sub-Commission under Council resolution 1503 (XLVIII) were for the first time before the Commission at its thirtieth session in 1974. Since that time, 37 particular situations have been placed before the Commission under the procedure. In carrying out its functions, the Commission has on a number of occasions established direct contacts between sessions with the Governments concerned, through a representative of the Commission itself or through the Secretary-General. According to paragraph 8 of Council resolution 1503 (XLVIII), all actions envisaged in the implementation of the resolution shall remain confidential until such time as the Commission may decide to make recommendations to the Council. Since the Commission's thirty-fourth session in 1978, the names of the countries whose particular situations have been before the Commission at any given session under the procedure governed by Council resolution 1503 (XLVIII) have been made public.

At its thirtieth session in 1974, the Commission decided, with the subsequent approval of the Economic and Social Council, to set up a working group of five of its own members, due account being taken of considerations of geographical distribution, to examine the particular situations referred to the Commission under Council resolution 1503 (XLVIII) (Commission decision 3 of 6 March 1974). The Working Group met prior to the Commission's thirty-first session in 1975 and submitted its recommendations confidentially to the Commission. A working group of this nature, has been set up annually since then, with the approval of the Council, to examine the particular situations referred each year to the Commission and the situations of which the Commission is seized from earlier sessions.

At its thirtieth session the Commission also decided that the Governments concerned should henceforth be invited to submit written observations relating to the particular situations referred to the Commission (Commission decision 3 of 6 March 1974).

At its thirty-fourth session in 1978, the Commission decided to issue invitations, during the first week of each session, to the States directly concerned to send representatives to address the Commission and to reply to any questions put by the members of the Commission (Commission decision 5 (XXXIV)).

At its thirty-fifth session in 1979, the Commission decided to authorize its working groups in future, if they had been established to assist the Commission in examining documents submitted to it under Council resolution 1503 (XLVIII), to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided in Commission decision 5 (XXXIV) (Commission decision 14 (XXXV)).

At its thirty-sixth session in 1980, the Commission decided that the States invited to attend the closed meetings of the Commission under Council resolution 1503 (XLVIII) should have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to that situation (Commission decision 9 (XXXVI)).

As in earlier years, the Commission decided, at its fortieth session in 1984, to set up a working group to meet for one week prior to its forty-first session to examine such particular situations as might be referred to the Commission by the Sub-Commission at its thirty-seventh session under Council resolution 1503 (XLVIII) and those situations of which the Commission was seized (Commission decision 1984/114 of 6 March 1984). The establishment of the Working Group, to meet from 28 January to 1 February 1985, was approved by Economic and Social Council decision 1984/145 of 24 May 1984.

At its forty-first session the Commission will have before it the report of its Working Group on Situations (E/CN.4/1985/R.4), as well as other confidential documents pertaining to the sub-item, including the confidential report of the thirty-seventh session of the Sub-Commission (E/CN.4/1985/R.1 and addenda), observations received from Governments (E/CN.4/1985/R.2 and addenda) and any relevant Government replies received under Council resolution 728 F (XXVIII) (issued in document series E/CN.4/GR..). In addition, the Commission will have before it a confidential report pertaining to the implementation of a decision adopted at its last session under Council resolution 1503 (XLVIII) (E/CN.4/1985/R.3). The above-mentioned confidential documents will be handed to the members of the Commission personally.

Chapter VII of the report of the Sub-Commission on the work of its thirty-seventh session (E/CN.4/1985/3) is also relevant to this sub-item.

13. Question of a convention on the rights of the child

At its thirty-fourth session, the Commission decided to include in its agenda the question of a convention on the rights of the child. In resolution 1978/18 of 5 May 1978, the Economic and Social Council took note with satisfaction of the initiative taken by the Commission with a view to the conclusion of a convention on the rights of the child and to its adoption by the General Assembly. Since that time, the question of a convention on the rights of the child has been examined at each session of the General Assembly (resolutions 33/166 of 20 December 1978, 34/4 of 18 October 1979, 35/131 of 11 December 1980, 36/57 of 25 November 1981, 37/190 of 18 December 1982 and 38/114 of 16 December 1983 and of the Commission (resolutions 20 (XXXIV) of 8 March 1978, 19 A (XXV) of 14 March 1979, 36 (XXXVI) of 12 March 1980, 26 (XXXVII) of 10 March 1981, 1982/39 of 11 March 1982, 1983/52 of 10 March 1983 and 1984/24 of 8 March 1984).

Since 1979, as authorized by the Economic and Social Council, an informal open-ended working group of the Commission has met with a view to facilitating the work on the draft convention. The working group has so far adopted the preamble and 13 operative paragraphs of a draft convention on the rights of the child. The texts already adopted may be found in annex I of the report of the working group (E/CN.4/1984/71).

At its fortieth session, by resolution 1984/24, the Commission decided to continue its work on the draft convention on the rights of the child as a matter of the highest priority. By resolution 1984/25 of 24 May 1984, the Economic and Social Council authorized the establishment of an open-ended working group for a period of one week prior to the Commission's forty-first session to facilitate and speed up the completion of the draft convention. The open-ended working group will meet from 30 January to 3 February 1985.

The following documents will be before the Commission at its forty-first session:

(a) Report of the Working Group on a draft convention on the rights of the child to the fortieth session of the Commission on Human Rights (E/CN.4/1984/71).

(b) Text of the draft convention submitted by Poland on 5 October 1979 (E/CN.4/1349).

14. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

Questions concerning the human rights of migrant workers have been the subject of attention at several sessions of the Commission.

By resolution 34/172 of 17 December 1979, the General Assembly decided to create at its thirty-fifth session a working group open to all Member States to elaborate an international convention on the protection of the rights of all migrant workers and their families. Accordingly, at its thirty-fifth session the General Assembly established an open-ended Working Group on this subject, whose mandate has since been renewed regularly. The Working Group also held intersessional meetings in the spring from 1981 to 1984.

The work accomplished so far by the Working Group is reflected in the following reports: A/C.3/35/13; A/C.3/36/10; A/C.3/37/1; A/C.3/37/7 and Corr. 1 and 2; A/C.3/38/1; A/C.3/38/5; A/C.3/39/1 and A/C.3/39/4.

At its fortieth session, the Commission on Human Rights adopted resolution 1984/61 on 15 March 1984, in which it requested the Secretary-General to inform the Commission at its forty-first session of the further progress attained in the task of the above-mentioned Working Group of the General Assembly.

Economic and Social Council resolution 1984/41 of 24 May 1984 is also relevant to this subject.

At the forty-first session, the 1984 reports of the General Assembly's Working Group (A/C.3/39/1 and A/C.3/39/4) will be available to the Commission on Human Rights.

15. The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service

This item has been considered by the Commission on Human Rights since its twenty-fifth session.

It may be recalled that the Commission decided, in decision 1983/108, paragraph (c), to consider the item "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service" on a biennial basis, beginning at its forty-first session in 1985, in the light of work carried out in the Sub-Commission.

In resolution 1983/46, the Commission called upon all States, intergovernmental and non-governmental organizations, the relevant United Nations organs and the specialized agencies to devote constant attention to the exercise and use by young people of human rights, particularly the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problem of unemployment among young people and confirmed its decision to examine at its forty-first session, as a matter of priority, the question of the exercise by youth of all their human rights and fundamental freedoms, including the right to education and the right to work.

The question of conscientious objection to military service has been discussed by the Commission since its thirty-second session. A report was prepared by the Secretary-General pursuant to resolution 11 B (XXVII) (E/CN.4/1118 and Corr. 1 and Add. 1-3) and resolution 38 (XXXVI) (E/CN.4/1419 and Add. 1-5, E/CN.4/1509).

At its thirty-seventh session in 1981, the Commission, in resolution 40 (XXXVII) requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of conscientious objection to military service in general. Accordingly, the Sub-Commission at its thirty-fourth session in 1981, in resolution 14 (XXXIV), requested two of its members, Mr. Mubanga-Chipoya and Mr. Eide, to make an analysis of the various dimensions of conscientious objection to military service and its interrelationships with the promotion and protection of human rights. At its thirty-sixth session in 1983, the Sub-Commission, in resolution 1983/22, decided to transmit to the Commission the final report prepared by Mr. Eide and Mr. Mubanga-Chipoya (E/CN.4/Sub.2/1983/30) and requested the Commission to study the recommendations contained in paragraphs 154 to 168 of that report and to make appropriate recommendations to the Economic and Social Council.

By resolution 1984/27 of 24 May 1984, the Economic and Social Council endorsed the recommendation of Commission resolution 1984/33 that the report prepared by Mr. Eide and Mr. Mubanga-Chipoya should be printed and given the widest possible distribution and be transmitted for comments and observations to Governments and relevant United Nations bodies and specialized agencies, other intergovernmental and non-governmental organizations. The Council also requested the Secretary-General to report to the Commission at its forty-first session on those comments and observations and on other significant developments regarding the human rights of conscientious objectors.

The Council further requested the Commission to study the report on conscientious objection to military service, including the recommendations contained therein, as well as the report of the Secretary-General containing the comments and observations, under the item entitled "The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service".

At its forty-first session, the Commission will have before it the report on conscientious objection to military service (E/CN.4/Sub.2/1983/30), the report prepared by the Secretary-General in accordance with resolution 1984/27 of the Economic and Social Council (E/CN.4/1985/25) as well as any additional information which may be received in accordance with Commission resolutions 1982/36 and 1983/46.

16. Implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid

The International Convention on the Suppression and Punishment of the Crime of Apartheid was adopted by the General Assembly and opened for signature and ratification on 30 November 1973 (resolution 3068 (XXVIII)). It entered into force on 18 July 1976. As of 1 December 1985 there were 79 States parties to the Convention. By resolution 12 (XXXVI) of 26 February 1980, the Commission decided to maintain this question on its agenda as a standing item.

At its fortieth session, the Commission adopted resolution 1984/7 of 28 February 1984, by which it took note with appreciation of the report (E/CN.4/1984/48) of the Group of three members of the Commission, set up in accordance with article IX of the Convention, and in particular, the conclusions and recommendations contained in that report; decided that the Group of Three should meet for a period of not more than five days prior to the forty-first session of the Commission to consider the reports submitted by States parties in accordance with article VII of the Convention; and requested the Group of Three to continue examination of the extent and the nature of the responsibility of transnational corporations for the continued existence of the system of apartheid in South Africa, including legal actions that might be taken under the Convention against transnational corporations whose operations in South Africa came under the crime of apartheid, and to report to the Commission at its forty-first session.

The Group composed of the representatives of Mexico, Senegal and the Ukrainian Soviet Socialist Republic, appointed by the Chairman of the Commission at its fortieth session, is scheduled to meet in Geneva from 28 January to 1 February 1985. Its report will be before the Commission at its forty-first session.

At its fortieth session, the Commission, in resolution 1984/4 of 28 February 1984, requested the Ad Hoc Working Group of Experts on southern Africa to continue to institute inquiries in respect of any person who might have committed the crime of apartheid or a serious violation of human rights in Namibia and to submit its recommendations on the results of such inquiries to the attention of the Commission at its forty-first session. The Ad Hoc Working Group informed the Commission at its fortieth session of the status of its previous inquiries (E/CN.4/1984/8). The Group is expected to submit further information on the subject to the Commission at its forty-first session.

By resolution 1984/5 of 28 February 1984, the Commission requested the Secretary-General to renew his invitation to all States Members of the United Nations to submit their views and comments on the interim study on the international penal tribunal (E/CN.4/1426), so as to enable the Ad Hoc Working Group to continue its study and to submit a report to the Commission at its forty-first session.

At its forty-first session the Commission will have before it:

(a) Note by the Secretary-General concerning the status of the Convention and of the submission of reports by States parties in accordance with article VII (E/CN.4/1985/26);

(b) Reports received from States parties to the Convention in accordance with article VII thereof (E/CN.4/1984/36/Add.9 and 10 and E/CN.4/1985/26/Add.1-4 and further addenda as required);

(c) Report of the Group of Three (E/CN.4/1985/27).

17. (a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination

(b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

(a) Study in collaboration with the Sub-Commission on Prevention of Discrimination and Protection of Minorities of ways and means of ensuring the implementation of United Nations resolutions bearing on apartheid, racism and racial discrimination

This subitem has its origin in General Assembly resolution 34/24 of 15 November 1979, by which the Assembly adopted a four-year programme of activities designed to accelerate progress in the implementation of the Programme for the first Decade for Action to Combat Racism and Racial Discrimination. Paragraph 19 of the programme of activities to be undertaken during the second half of the first Decade provided that

> "In accordance with General Assembly resolution 3377 (XXX) of 10 November 1975, the Commission on Human Rights, in co-operation with the Sub-Commission on Prevention of Discrimination and Protection of Minorities, should undertake a study on ways and means of ensuring the implementation of the United Nations resolutions on apartheid, racism and racial discrimination and submit its conclusions to the Assembly at its thirty-seventh session through the Economic and Social Council";

In resolution 14 (D) (XXXVI) of 26 February 1980, the Commission requested the Sub-Commission to prepare such a study and submit it together with its conclusions to the Commission at its thirty-eighth session.

By resolution 4 D (XXXIII) of 5 September 1980, the Sub-Commission decided to discuss at its thirty-fourth session the preparation of that study.

The Secretary-General submitted to the Sub-Commission at its thirty-fourth session a note (E/CN.4/Sub.2/468) containing references to documents which the Sub-Commission might wish to take into consideration while discussing the preparation of the study.

By resolution 1983/10 adopted on 5 September, the Sub-Commission recommended that a study should be undertaken by Mr. Asbjørn Eide on the achievements made and obstacles encountered during the Decade for Action to Combat Racism and Racial Discrimination, with special emphasis on the progress in that field, if any, between the first and second World Conferences to Combat Racism and Racial Discrimination, taking into account also the resolutions the General Assembly might adopt on the report of the Second World Conference and the first stage of the implementation of the Programme of Action for the Second Decade. The Commission on Human Rights endorsed the proposal in its resolution 1984/8 of 28 February 1984.

The Economic and Social Council, in resolution 1984/24, subsequently authorized the study and requested Mr. Eide to present the study to the Sub-Commission at its thirty-eighth session.

At its thirty-seventh session, the Sub-Commission considered the subitem "Measures to combat racism and racial discrimination and the role of the Sub-Commission". The Sub-Commission subsequently adopted resolution 1984/5, to which the attention of the Commission is drawn.

(b) Implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination

By resolution 1984/8 of 28 February 1984, the Commission decided to consider the implementation of the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination as a matter of high priority at its forty-first session. In this regard it may be recalled that in resolution 38/14 of 22 November 1983, the General Assembly proclaimed the 10-year period beginning on 10 December 1983 the Second Decade to Combat Racism and Racial Discrimination. The Assembly approved the Programme of Action for the Second Decade, which was annexed to the same resolution, and called upon all States to co-operate in its implementation. The Assembly also requested the Economic and Social Council to take charge, with the help of the Secretary-General, of co-ordinating the implementation of the Programme of Action and of evaluating the activities undertaken during the Second Decade. Furthermore, the Assembly requested the Secretary-General to submit to it at its thirty-ninth session, through the Economic and Social Council, a plan of activities for the period 1985-1989 for implementing the Programme of Action and achieving the objectives of the Second Decade, taking into account the Programme for the Decade for Action to Combat Racism and Racial Discrimination (General Assembly resolution 3057 (XXVIII), annex).

At its first regular session of 1984, the Economic and Social Council had before it a draft plan of activities for the period 1985-1989 (A/39/167 and Add.1-E/1984/33 and Add.1) submitted to it by the Secretary-General in accordance with General Assembly resolution 38/14. In paragraph 3 of resolution 1984/43 of 24 May 1984, the Economic and Social Council requested the Secretary-General to submit to the General assembly at its thirty-ninth session a revised plan of activities.

Accordingly the Secretary-General submitted a further report to the General Assembly at its thirty-ninth session (A/39/167/Add.2).

At its forty-first session, the Commission will have before it the annual reports on racial discrimination submitted by the International Labour Organisation (E/CN.4/1985/28) and the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1985/29) in accordance with Economic and Social Council resolution 1588 (L) and General Assembly resolution 2785 (XXVI).

18. Status of the International Covenants on Human Rights: Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

By its resolution 1984/18 of 6 March 1984, the Commission requested the Secretary-General to submit to it, at its forty-first session, a report on the status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, and to include in that report information on the work of the Economic and Social Council and its Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights.

At its forty-first session, the Commission will have before it information on the status of the International Covenants on Human Rights, which will include information on the work of the Economic and Social Council and its Sessional Working Group of Governmental Experts.

Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty

By resolution 1984/19 of 6 March 1984, the Commission on Human Rights decided to transmit to the Sub-Commission on Prevention of Discrimination and Protection of Minorities the draft of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and invited the Sub-Commission to consider the idea of elaborating a draft of a second optional protocol at its next session and to submit its views thereon to the Commission at its forty-first session.

In resolution 1984/7 of 28 August 1984, the Sub-Commission requested the Commission to authorize Mr. M. Bossuyt to prepare an analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

In this context, the Commission has before it under this item, a draft resolution recommended by the Sub-Commission for adoption by the Commission. The text of the draft resolution may be found in chapter I, section A, of the report of the Sub-Commission (E/CN.4/1985/3, chap. I, sect. A, draft resolution II).

19. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its thirty-seventh session

This item is considered annually by the Commission on Human Rights. The report of the Sub-Commission on the work of its thirty-seventh session, prepared in accordance with resolution 17 (XXXVII) of 10 March 1981 of the Commission on Human Rights, is contained in document E/CN.4/1985/3 - E/CN.4/Sub.2/1984/43.

The Sub-Commission, at its thirty-seventh session, adopted 37 resolutions and 6 decisions which are reproduced in the report.

Draft resolutions and decisions recommended for adoption by the Sub-Commission

Chapter I, section A, of the report contains draft resolutions recommended by the Sub-Commission for adoption by the Commission. Some of these draft resolutions are before the Commission in the context of the items of the agenda to which they refer. Others are to be examined in the context of the present item. The relevant resolutions are listed below:

Draft resolution No.	Title	Relevant item for consideration
I	Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist regime of South Africa	Item 7

Draft resolution No.	Title	Relevant item for consideration
II	The administration of justice and the human rights of detainees: Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Item 18
III	Human rights and scientific and technological development: Prevention and suppression of unlawful human experimentation	Present item
IV	Human rights and scientific and technological developments	Present item
V	The administration of justice and the human rights of detainees	Present item
VI	Slavery and slavery-like practices: Mission to Mauritania	Present item
VII	Slavery and slavery-like practices	Present item
VIII	Study of the problem of discrimination against indigenous populations	Present item

Resolutions referring to matters which require action or consideration by the Commission

Chapter I, section B, refers to matters requiring specific action, to be taken either in a formal decision or by incorporation in relevant resolutions, or matters requiring consideration by the Commission.

Documentation

At its forty-first session, the Commission will have before it:

(a) Report of the Sub-Commission (E/CN.4/1985/3 - E/CN.4/Sub.2/1984/43). The confidential part of the report is referred to under item 12 above;

(b) Study of the problem of discrimination against indigenous populations prepared in accordance with Sub-Commission resolution 1984/35 A (E/CN.4/Sub.2/476 and Add.1-6, E/CN.4/Sub.2/1982/2 and Add.1-7 and E/CN.4/Sub.2/1983 and Add.1-8).

(c) Report on the mission to Mauritania prepared by Mr. Marc Bossuyt (E/CN.4/Sub.2/1984/25) pursuant to the Sub-Commission resolution 1984/28.

20. Rights of persons belonging to national, ethnic, religious and linguistic minorities

The Commission, having taken note in resolution 14 A (XXXIV) of 6 March 1978, of Sub-Commission resolution 5 (XXX) recommending that the Commission consider drafting a declaration on the rights of members of minority groups, within the framework of the principles set forth in article 27 of the International Covenant on Civil and Political Rights, established an informal open-ended working group to

consider questions related to drafting such a declaration, on the basis of a text proposed by Yugoslavia (E/CN.3/L.1367/Rev.1) intended to serve as a starting point for an exchange of views.

The Commission continued to examine this question at each of its subsequent sessions (resolutions 21 (XXXV), 37 (XXXVI), 21 (XXXVII), 1982/38, 1983/53 and 1984/62). At each of these sessions an informal open-ended working group was established by the Commission to consider the matter.

The Sub-Commission also examined the question, in accordance with Commission resolutions 21 (XXXV), 37 (XXXVI) and 1984/62, at its thirty-second, thirty-third and thirty-seventh sessions (Sub-Commission decisions 1 (XXXII), 1 (XXXIII) and 1984/101).

In resolution 1984/62 of 15 March 1984, the Commission requested the Sub-Commission, at its thirty-seventh session, to prepare a text defining the term "minority", taking into account studies already carried out in the field, comments and views provided by Governments, as well as discussions held during the sessions of the working group and other relevant documentation.

At its thirty-seventh session, the Sub-Commission, by decision 1984/101 of 27 August 1984, decided to postpone further consideration of the subject to its thirty-eighth session.

At its forty-first session, the Commission will have before it the report of the informal open-ended working group on its work at the fortieth session (E/CN.4/1984/74) which gives the status of the consideration of the draft declaration.

21. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences

In accordance with General Assembly resolution 2839 (XXVI) of 18 December 1971, the Commission on Human Rights has maintained on its agenda, since its twenty-eighth session in 1972, an item entitled "Question of measures to be taken against ideologies and practices based on terror or on incitement to racial discrimination or any other form of group hatred".

Pursuant to General Assembly resolution 36/162, the item has been considered by the Commission on Human Rights since its thirty-eighth session under the title "Measures to be taken against all totalitarian or other ideologies and practices, incuding Nazi, Fascist and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences".

At its fortieth session, the Commission on Human Rights considered the item and adopted resolution 1984/42 on 12 March 1984.

In accordance with General Assembly resolution 38/99, the Secretary-General submitted, through the Economic and Social Council, to the General Assembly at its thirty-ninth session a report drawn up in the light of the discussion which took place in the Commission at its fortieth session and on the basis of comments provided by States and international organizations (A/39/168-E/1984/39 and Add.1 and 2).

22. Advisory services in the field of human rights

The Commission has this item before it in accordance with General Assembly resolution 926 (X) and Economic and Social Council resolutions 684 (XXVI) and 1008 (XXXVII).

At its fortieth session, the Commission had before it the report of the Secretary-General on the programme of advisory services in the field of human rights (E/CN.4/1984/44). At that session it adopted resolution 1984/44, in which the Commission requested the Secretary-General to continue and, as appropriate, to enhance assistance to Governments in the field of human rights within the framework of the programme of advisory services and invited him to report to the Commission at its forty-first session on the progress made in the provision of such assistance, and to outline suggestions for a long-term programme of action in this field. The Commission will have before it the report of the Secretary-General as requested (E/CN.4/1985/30), as well as a report of the Secretary-General (E/CN.4/1985/31) on the implementation of Commission resolution 1984/43 concerning assistance to the Government of Bolivia.

23. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

After the proclamation by the General Assembly of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55 of 25 November 1981), the consideration of measures to implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission.

Subsequently, the Commission examined this subject at its thirty-ninth and fortieth sessions (resolutions 1983/40 and 1984/57).

The Sub-Commission also examined the question at its thirty-fifth, thirty-sixth and thirty-seventh sessions (resolutions 1982/28, 1983/31 and 1984/31.

The Commission, at its fortieth session in 1984, adopted resolution 1984/57 on 15 March 1984, in which it recommended that the Economic and Social Council authorize the Sub-Commission to entrust a Special Rapporteur, Mrs. E. Odio Benito, with the preparation of a study, in accordance with the terms of Sub-Commission resolution 1983/31, on the current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, and to request the Special Rapporteur to submit her study to the Sub-Commission at its thirty-seventh session.

The Economic and Social Council, in resolition 1984/39 of 24 May 1984, endorsed the Commission's recommendation. By the same resolution 1984/57, the Commission requested the Secretary-General to report to it at its forty-first session on measures taken to implement its resolution and that of the Economic and Social Council.

By its resolution 1984/31, adopted on 30 August 1984, at its thirty-seventh session, the Sub-Commission, having discussed the preliminary report (E/CN.4/Sub.2/1984/28) submitted by the Special Rapporteur, Mrs. Odio Benito, requested the Special Rapporteur to continue her work and to submit a progress report to the Sub-Commission at its thirty-eighth session and a final report at its thirty-ninth session.

The Commission will have before it the report of the Secretary-General on the implementation of its resolution 1984/57 as called for in paragraph 3 of that resolution (E/CN.4/1985/33). Furthermore, the Commission should have before it the report of the seminar on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief (ST/HR/SER.A/16), organized in pursuance of Commission resolution 1983/40 and held in Geneva from 3-14 December 1984.

24. Draft provisional agenda for the forty-second session of the Commission

Rule 9 of the rules of procedure provides that at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to the work of the Commission and of their urgency and relevance in the light of the current situation.

The Commission will have before it, before the conclusion of the forty-first session, a note for its consideration containing a draft provisional agenda for its forty-second session, together with information concerning the corresponding documentation.

25. Report to the Economic and Social Council on the forty-first session of the Commission

Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.